

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MARCUS KUTTERER,

Plaintiff,

v.

SOLANO COUNTY JAIL, et al.,

Defendants.

No. 2:21-cv-0772 DB P

ORDER

Plaintiff is a county jail inmate proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff claims that he was subjected to sexual harassment based on a comment made by defendant.

By order dated August 25, 2021 the first amended complaint was screened and dismissed. (ECF No. 11.) Plaintiff was given thirty days leave to file an amended complaint and warned that failure to file an amended complaint would result in a recommendation that this action be dismissed. (Id.) Those thirty days have passed, and plaintiff has not filed an amended complaint or requested additional time to file an amended complaint.

Plaintiff has, however, filed a notice regarding phone access (ECF No. 13) and a request to be placed on a list for “proper civil phone calls” (ECF No. 14). In both filings plaintiff requests to be placed on a list so that he can make and receive phone calls regarding his mental health care. Because his request is unrelated to his underlying claim in this action, it will be

1 denied. Plaintiff is advised to seek relief through his facility's administrative appeals process.
2 Additionally, in light of plaintiff's pro se status, the court will grant plaintiff an additional thirty
3 days to file an amended complaint.

4 Accordingly, IT IS HEREBY ORDERED that:

- 5 1. Plaintiff's request for placement on a list to receive phone calls (ECF No. 14) is
6 denied.
- 7 2. Within thirty days of the date of this order plaintiff shall file an amended complaint
8 that complies with the requirements of the Civil Rights Act, the Federal Rules of Civil
9 Procedure, and the Local Rules of Practice. The amended complaint must bear the
10 docket number assigned to this case and must be labeled "First Amended Complaint."
- 11 3. Failure to comply with this order will result in a recommendation that this action be
12 dismissed.

13 Dated: December 9, 2021

14 /s/DEBORAH BARNES
15 UNITED STATES MAGISTRATE JUDGE
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